

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-SO50-2013-0029 CX**

June 2013

Tri-State Rip-Rap Negotiated Sale

Location: West Montrose County

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2013-0029 CX

PROJECT NAME: Tri-State Rip-Rap Negotiated Sale

PLANNING UNIT: San Juan / San Miguel RMP

LEGAL DESCRIPTION: T. 46 N., R. 15 W., Section 26, SESE

APPLICANT: Tri-State Generation and Transmission Association, Inc. (Tri-State)

DESCRIPTION OF PROPOSED ACTION:

Tri-State proposes to recover and sell Dakota Sandstone rip-rap rock that they excavate from their coal ash disposal pit. This rock is excavated to make space for Tri-State coal plant ash waste which is buried on site. The rock is a bi-product of the coal ash disposal pit excavation. The land surface is private, owned by Tri-State, and the mineral estate is reserved to the U.S. This is a 15,000 ton, 5-year, negotiated sale permit (COC-76131).

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: San Juan/San Miguel Resource Management Plan

Date Approved: September 1985

Decision Number/Page: Emphasis Area E – Mineral Development, p. 41.

Decision Language: Management direction will emphasize mineral development on the public lands.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number F.10, which allows the, "Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas." None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	_____	<u>X</u>
2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	_____	<u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	_____	<u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	<u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	<u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	<u>X</u>
7. Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places.	_____	<u>X</u>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	_____	<u>X</u>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	_____	<u>X</u>
10. Have disproportionately high and adverse effect on low income or minority populations.	_____	<u>X</u>
11. Limit access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.	_____	<u>X</u>
12. Significantly, contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.	_____	<u>X</u>

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Teresa Pfifer	Lands & Minerals Staff Supervisor	Lands/Minerals
Glade Hadden	Archeologist	Cultural
Ken Holsinger	Biologist	T&E Species

REMARKS:

Cultural Resources: Private surface, the owner must comply with cultural resources lands and regulations including, but not limited to, Archaeological Resources Protection Act (ARPA) and the National Historic Preservation Act, as amended. The project is exempted from further cultural resource inventory under the provisions of BLM 8100.23B2 and no further work is required.

Native American Religious Concerns: Private surface, same as for cultural resources.

Threatened and Endangered Species: Private surface, the owner must comply with the Endangered Species Act.

NAME OF PREPARER: Robert Ernst

NAME OF ENVIRONMENTAL COORDINATOR:

DATE: 6-3-2013

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F.10. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:

Barbara Sharrow
Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED: 6-4-2013

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2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2013-0029 CX)

PROJECT NAME: Tri-State Rip-Rap Negotiated Sale

DECISION: It is my decision to approve the negotiated mineral material sales contract for the Tri-State Rip-Rap permit, COC-76131. This is a 15,000 ton, 5-year, negotiated sale permit (COC-76131). The rip rap will be rock that is excavated from the Tri-State coal ash disposal pit.

MITIGATION MEASURES: None

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F.10. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the San Juan/San Miguel Resource Management Plan.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

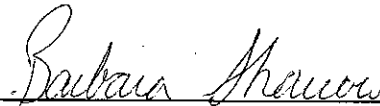
If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400.

NAME OF PREPARER: Robert Ernst

NAME OF ENVIRONMENTAL COORDINATOR:

DATE 6-3-2013

SIGNATURE OF AUTHORIZED OFFICIAL



Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED

6-4-13